

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Jason David Austin,

Crim. No. 04-117 (RHK/AJB)  
Civil No. 06-2721 (RHK)

Petitioner,

v.

**ORDER**

United States of America,

Respondent.

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This matter is presently before the Court on Petitioner's self-styled "Petition To Alter/Amend Judgment Pursuant To Fed. R. Civ. Proc. Rule 59(e)." (Docket No. 51.) Petitioner is asking the Court to reconsider his application for relief under 28 U.S.C. § 2255, and amend the prior order denying that application. (See Order dated January 17, 2007, [Docket No. 50].)

Petitioner's Rule 59(e) motion merely reiterates, (perhaps in slightly different words), the claims that he presented in his § 2255 motion. The present motion does not offer any new facts, or any new legal arguments, that were not considered when his § 2255 motion was decided. Thus, the Court finds no valid reason to reconsider Petitioner's § 2255 motion, or to amend the order denying that motion.

Based upon the foregoing, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

Petitioner's "Petition To Alter/Amend Judgment Pursuant to Fed. R. Civ. Proc. Rule 59(e)," (Docket No. 51), is DENIED.

Dated: February 12, 2007

s/Richard H. Kyle

RICHARD H. KYLE

United States District Court Judge